

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RODERICK LAMONT NICHOLSON,)	
)	
Petitioner,)	
)	
v.)	1:10CV445
)	1:07CR196-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On January 5, 2011, and June 20, 2016, the United States Magistrate Judge's Recommendations were filed [Docs. #42, 72] and notice was served on Petitioner pursuant to 28 U.S.C. § 636 [Docs. #43, 73]. The Magistrate Judge recommended lifting the previous stay of the proceedings and granting the Government's motion to dismiss Petitioner's Section 2255 Motion filed on June 7, 2010 [Doc. #27] as subsequently supplemented [Doc. #53; see also Docs. #67-71]. Petitioner filed objections [Doc. #44, #74] to the Recommendations within the time limit prescribed by Section 636 or otherwise permitted by the Court. Most recently, Petitioner has filed a motion to supplement his Section 2255 Motion [Doc. #75] and an Emergency Motion for an Expedited Ruling [Doc. #76]. The Court has reviewed Petitioner's objections de novo and finds they do not change the substance of the United States Magistrate Judge's Recommendations [Doc. #42, #72], which are affirmed and adopted.

To the extent that Petitioner seeks to add new claims or contentions, those claims are untimely and have no merit. With respect to Petitioner's new contention that the Government breached the plea agreement in this case, Petitioner fails to identify any basis that would warrant relief on collateral review. With respect to Petitioner's new contentions of ineffective assistance of counsel, those claims fail under both prongs of Strickland v. Washington, 466 U.S. 668 (1984).

IT IS THEREFORE ORDERED that the previous STAY entered in his action is LIFTED, that Petitioner's Motion for Leave to Supplement [Doc. #75] is GRANTED, that Respondent's Motion to Dismiss [Doc. #38] is GRANTED, that Petitioner's Motion to Vacate, Set Aside or Correct Sentence [Doc. #27], as supplemented, is DISMISSED, that Petitioner's Emergency Motion for Expedited Ruling [Doc. #76] is DENIED AS MOOT, and that this action is DISMISSED, and that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This the 10th day of May, 2017.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge